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NCAA Basketball Pool Results -- Inside!

Selected Opening Day Pitcher for the Cubs

The Red Gestae

Vol. 36 No. 22

The University of Michigan Law School

April 6, 1988

JIL Selects New Editors

By John Pagnourias

The *Michigan Journal of International Law* has announced the 1988-89 Editorial board. Thomas A. Brusstar is the new Editor and Chief and Bruce G. Tuchman is the Managing Editor.

The Executive Editors will be Paul E. Escobar and Jeff Feikens. The Executive Articles Editor is Cindy A. Cohn. The Executive Note Editor is Mary J. Houle and the Research and Development editor is Mary K. Asher.

The Articles Editors for 1988-89 are Victor I. King, Daniel R. Laurence, Victor A. Pappalardo, and Charles J. Vigil. The Notes Editors are Deborah D. Canning, Laurie W. Engdahl, Patrick J. Potter and Steve J. Valen.

In addition to the new staff, the *Journal*

is taking on a new format for 1988-89 and Brusstar, Editor-in-Chief, is encouraging first year students to take part in this change over next year. Brusstar believes that the changes in the *Journal* will provide interesting work for new staffers.

The *Journal* is shifting from a yearbook format, primarily a European style of publication, to a journal, which is issued more frequently. "Instead of publishing annually and taking only solicited material, we will be asking professors from around the nation to send us articles," said Brusstar. The editorial staff hopes to publish at least twice next year and have several issues per year in the future. In addition, the *Journal* will no longer be publishing in a symposium format.

see JIL page FOUR

Moot Court Finalists Await Kennedy

By Keri Chenoweth

The finalists for the 1988 Campbell Moot Court Competition were selected during argument last Tuesday and Thursday. Final competitions will be held this coming Monday, in Room 100 beginning at 2:00.

The team of Cathy Ann Bencivengo and Aldebaran Enloe will face Kenneth Seavoy and Michael Wendorf at 2:00. Then Nicholas Stasevich and Aidan Synnott will compete with William Odle and Kevin Kennedy. Bencivengo, Wendorf, Synnott and Kennedy will be presenting the oral argu-

see CAMPBELL page SIX

The Final Round
Monday, April 11, 1988

Cathy Ann Bencivengo, Rutgers University Washington Township, NJ	&	Aldebaran Enloe Georgia Tech Richland, WA
vs.		
Kenneth J. Seavoy Michigan State University Baraga, MI	&	Michael Wendorf U. of Wisconsin-Madison Wausau, WI
vs.		
Nicholas J. Stasevich Wayne State University Detroit, MI	&	Aidan Synnott University College, Cork Cork, Ireland
vs.		
William C. Odle University of Kansas Hutchinson, Kansas	&	Kevin E. Kennedy U. of California-San Diego Philadelphia, PA

Presiding: Judge Cornelia G. Kennedy of the 6th Circuit, Judge Betty B. Fletcher of the 9th Circuit, Judge Marvin E. Frankel formerly of SDNY, Law School Dean Lee Bollinger and Law Professor David Chambers.

Special Election Announced; Lack of T-Shirts Decried

The newly elected Law School Student Senate decided to move quickly and hold a special election on April 18 to fill a remaining senate vacancy. The LSSS voted to include a referendum on casual dress/no preference' dress interview on the ballot.

The Senators also agreed to send letters to the National Lawyer's Guild concerning budget requests and to Law School Dean Sue Eklund regarding tee-shirts for orientation leaders which will not be supplied this year for budgetary reasons.

The vacancy on the Senate was created when the former Board of Governors (BOG) representative Danielle Carr resigned from her position to become the newly elected LSSS president. BOG representatives are elected for a two-year

term, and must consist of one second year student and one third year student according to the LSSS Constitution. Former first year rep John Moore was elected to the BOG second year position open during the March election.

Although only second year students may run for the position, all law school students will be eligible to vote. Students need not be residents of the Lawyer's Club to run.

The April 18 election will be run following election code procedures which require petitions and 100 word statements to be turned in by Monday, April 11.

In discussing whether or not to fill the position, Senators debated whether or not to leave the position open until first year elections in October, until September before budget

allocations, or to waive election code guidelines and hold a special election. Carr noted that, although it wasn't necessary to have another student on BOG immediately, it would be harder to break in 5 people (one BOG rep and four 1L reps) in October if the Senate waited. LSSS Treasurer Sandy Perl countered that more interest might be generated by waiting until the beginning of the next term. A motion to wait until October was forwarded by Moore and then withdrawn.

A motion was presented by Secretary Chris Adams to waive the election code requirement which requires 20 days notice prior to any election, due to the fact that this would prevent any election date prior to finals week. Following discussion, the motion passed by a wide margin, with all senators approval except Perl who voted no and newly elected 2L rep Jennifer Warren abstaining.

During New Business, newly elected 2L rep Pam Costas told the LSSS that students who volunteered to be orientation leaders this summer and next fall were told at today's meeting they would not be receiving t-shirts as compensation. Student orientation leaders (fall) are required to return several days before classes begin and take new students on tours to orient them to Ann Arbor and the Law School. Senate members voiced extreme disapproval and voted to send a "nasty letter"

see SHIRTS page FOUR

Redish, Weiler Win Teaching Award

The LSSS has announced that the recipients of the L. Hart Wright Award for 1987-1988 for excellence in the teaching of law are Professors Martin Redish and Joseph Weiler. Nominations are presented by students, and then approved by the LSSS. Professors Redish and Weiler received their awards at last Thursday's faculty/student wine and cheese party. Last year's recipients were Professor Doug Kahn and Associate Professor Michael Rosenzweig.

Wanted: Aggressive LSSS Applicants

April 12 is the deadline for applications for those interested in becoming LSSS committee chairpersons and members. Students may apply for seats on these committees:

ABA/LSD

Academic Standards (limit: 3 students)

Admissions (limit: 3 students)

Computers (limit: 3 students)

Curriculum (limit: 3 students)

Disciplinary (limit: 1 person)

Elections, Faculty Meeting Reps (limit: 2 students)

Faculty Search/Hiring

Financial Aids and Awards

Placement

Residential

Social (4 chairpersons and 1 treasurer, unlimited members)

Speakers (this committee hands out most of the funds for speaking engagements)

Sports (at least 1 chairperson and 1 treasurer)

Applications and descriptions of committee activities are located on the Senate Office door on the second floor of Hutchins Hall.

The LSSS will attempt to make committees more effective and active next year. In an effort achieve this, the Senate recently adopted changes in their committee guidelines.

The changes require each committee chairperson to report with the LSSS Vice-President and attend more actual senate meetings. Also, the Senate will attempt to activate the Executive Committee, a group consisting of the LSSS executive board and all committee chairpersons. This group will meet once a term, according to President Danielle Carr, and discuss policy and plans for that term. Finally, each senator will act as a liaison and *ex officio* member of different committee, in an effort to further a high level of student involvement.

Vice-President Lisa Freeman has committed herself to actively pursue the LSSS committees and asked LSSS Senators to also take more responsibility towards changing the passive roles of students into more involved, dynamic ones. And after April 18, when the members and chairs of the committees are announced, the Law School will be watching to see if the Senate's acts do indeed make a difference.

Res Gestae

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The Res Gestae is published every Wednesday during the regular school year by students at the University of Michigan Law School. Opinions expressed in bylined articles are those of their authors, and do not necessarily represent the opinion of the editorial staff. Articles may be reprinted without permission, provided that the author and The Res Gestae are credited and notified. Mailing address: University of Michigan Law School, Ann Arbor, MI 48109-1215. Phone: (313) 763-0333.

Articles, letters and notices for the Res Gestae should be submitted to Room 700B by 5:00 p.m. on the Sunday preceding publication. Items submitted after 9:00 a.m. Monday will not normally be considered for inclusion in the upcoming issue. Anonymous submissions will not be printed unless the identity of the author is disclosed to the editors and there is a compelling reason for the author to remain anonymous.

Rejecting Handouts

AS THE SEMESTER winds down to its inevitable conclusion, it's time for all good students to start studying for final exams. We mean really studying. Put down that beer, turn off the tee vee, sharpen your pencils, and for heaven's sake put some clothes on. You look disgusting.

And one other thing: track down the enormous number of handouts that you have accumulated throughout the semester. We are not exactly sure when this disturbing trend started, but we have noticed that more and more professors are augmenting, or even substituting, traditional casebooks with photocopied materials. Like it or not, we are in the Year of the Xerox.

There are definite advantages to using photocopied materials in class. They allow professors to update existing course books, or cover otherwise neglected topics. These materials can also be used where there are no adequate substitutes in print. The problem comes when professors, in the midst of writing their own books, choose to hand out chapters of these books to their students. The unfortunate students get loaded under with reams of eight-and-a-half-by-eleven sheets of paper, which are flimsily stapled together and often incomplete. Annoyingly, these professors often hand out their scholarly efforts at irregular intervals during the semester. We have always appreciated the efforts of those faculty members who strive to present us with the best products of their intellectual endeavors, but why in the hell can't they write their casebooks during the summer, and why can't they get them published?

We're certain that most students would prefer to have one casebook, at the beginning of the year, that is subject to few additions or deletions. The ridiculous procedure of passing out casebooks chapter by chapter serves little purpose than as an ego boost to their authors and an annoyance to their readers.



Unfulfilled Dreams And Shattered Hopes

By Robert Goldberg

It's time to scream what desperately needs to be screamed: Jesse Jackson is pitifully, and dangerously, unqualified to be President.

No, I'm not a closet racist. No, I'm not a frightened reactionary. I'm a doctrinaire liberal who's fed up with the uncritical hoopla lavished on this undeserving clown.

For too long, the media and the other candidates have tiptoed around Jackson and his idiotic, rhyming catchphrases ("Stop merging corporations, purging workers and submerging the economy!"). Nobody has subjected Jackson to anything resembling the intense scrutiny leveled at all the other candidates. And for all the wrong reasons too — because nobody has wanted to alienate an inevitable loser with delegates to burn and, yes, because nobody has wanted to criticize the black candidate. But as the nightmare of a Jackson candidacy looms into view, this free ride is ending, and it's clear that Jackson cannot even live up to the pathetically low standard created just for him.

What little substance there is in Jackson's message — and I mean little — cannot withstand the light of day. Stripped of its resentful, rhetorical stridence, Jackson's mindless gospel is shapeless — but wonderful-sounding — nonsense.

Jackson's "blame-a-faceless-enemy" politics strikes a receptive chord: The world's problems are caused by "multinational corporations," erase the deficit by super-taxing "the rich," eliminate poverty by gutting "the defense budget." Sounds pretty good (all right Jesse!). But come on, this is the kind of empty-headed trash I expect to read in The Michigan Daily.

Those evil multinational corporations employ millions of grateful workers; the piggish rich contribute much to the prosperity in this country, and taxing the hell out of them (or, I should say, us) will probably make everybody a whole lot worse off; and that swollen defense budget sustains legions of working-class Americans for whom Jackson professes such solicitude. Now I'm certainly no apologist for corporate rapists, greedy aristocrats and thick-skulled generals. But it's just so damned mindless to rile up crowds by scapegoating such amorphous incarnations.

Jackson's bold attacks on these mythical objects of collective hate are about as brave as Diagsters' moralizing passions on divestment. Although shrouded in noble overtones, both are cost-free exercises in ego inflation: massage your self-

righteousness without risk of sharing in the misery which you would inflict on the ostensible beneficiaries of your deep-seated concern.

And there remains the ugly specter of Jackson's Jew-baiting, Israel-hating hysterics. Forget Hymietown (write off as stupidity), forget Farrakhan (write off as strategy). Dismissing Jackson as anti-Semitic is intellectually lazy and probably inaccurate. Yet it's inexplicable to me why this forgetful man insists on alienating the one ethnic group that faced Bull Connor's water hoses alongside blacks in the heady days of the civil-rights movement. Why aren't the names Mickey Schwerner and Andy Goodman — two Jews who gave their lives for a cause that was not their own — seared into Jackson's conscience with as much intensity as the nationalist dream of terrorist ringleader Yasir Arafat?

But most important, I'm one for result over principle. Granting, for the sake of argument, that Jackson is the true liberal in the race, a Jackson candidacy would mean a 50-state surrender to idealism. He'd make Walter Mondale look like a crowned prince. Hard-headed liberals should take the sure thing (i.e. anybody but Jackson), even if it means sacrificing some ideological purity. This election is the Democrats' to lose, and Jesse Jackson is just the person to blow it in the most catastrophic way.

And that's not all. A Jackson candidacy would sound a death knell for the Democratic Party. As the silent majority flocked rightward, the Democrats would be left with a hardened core of well-meaning loyalists whose pride, but no power, would remain intact. The lesson of 1984 is that the Democratic Party is increasingly out of touch with the grass roots; the message must shift, whether we like it or not (as I don't). Unlike Mondale's, a Jackson candidacy would pass the party beyond the fringe of respectability. Jackson would be the Democrats' answer to Herbert Hoover.

Meanwhile, the other side can barely conceal its glee at the slow torture of the Democratic Party. Right-wing bad boy Pat Buchanan glories in the Democrats' miserable dilemma: "Freeze Jackson out, and blacks will take a walk in November put him on the ticket, and Jewish and Catholic voters in the North, and white Protestants in the South, will abandon the Democratic Party by the millions; and maybe cost it the U. Senate." I sure hope today's energized idealists are tomorrow's regretful realists.

I certainly wish a bright, black liberal populist was

see JACKSON page SIX

Letters: Coulter Draws Critical Response

To the Editor:

In her letter of March 30, Ann Coulter has vented her spleen in a mean-spirited, name-calling, homophobic and purposely mischaracterizing response to our letter of March 16. Her invective came in response to a letter which sought to make only three points: 1) the anti-C.I.A. recruitment demonstration exceeded the scope of appropriate behavior; 2) Dean Lee Bollinger behaved admirably under the circumstances; 3) the impropriety of the demonstrators' methods should not deflect attention from the issues they raise. Our letter contained no personal attacks and presented nothing that should have been threatening to Coulter's cherished status quo. Thus her vindictive and childish response is especially puzzling to me.

Coulter claims to have the high ground in her imagined clash of the iconoclasts. Yet is anyone convinced that she understands how to use the word? Conservatives, by definition, seek to conserve the traditional and maintain the status quo under which they have prospered. Iconoclasts desire to tear down cultural icons, to make unholy the revered, to sully that which is held dear. And what does Coulter seek to attack and tear down? Certainly Bollinger (does anyone really find her disrespectful characterizations of him amusing?). Certainly gays and lesbians (Coulter seems unable to hide her homophobia even in this completely unrelated context). And certainly the tradition of restraint (preferring instead ruthless action with the costs in human terms be damned). If these cruel views are more iconoclastic than our admitted reluctance to rush to the defense of the law-school administration and our disapproval of certain C.I.A. policies and practices, then I gladly hand Coulter the bragging rights she so desires.

Further, does anyone believe that we six confuse "national defense" with allowing the C.I.A. to continue its discriminatory hiring practices or its flouting of legal standards, domestic and international? The days when the C.I.A. could claim even a remote connection between the hiring of gays and lesbians and the compromising of national security have long passed. And although some covert operations clearly seem warranted in the name of national security, the documented excesses of the C.I.A. — in addition to being illegal — bring us no closer to security. Rather, they bring the agency into disrepute and invite the scorn of our friends and enemies

alike.

Shame on you, Ann Coulter, for your unfunny and vindictive letter. And my sympathy for the editors of *The Res Gestae*, who had the difficult task of deciding whether such trash belonged in the RG or in the pages of its comedy supplement, *The Indi Gestae*.

David Bromfield

To the Editor:

I am writing to express my disappointment with the fiery invective delivered by Ann Coulter, the always-dynamic and usually articulate president of the Federalist Society, in response to a letter praising Dean Lee Bollinger's conduct at the recent C.I.A. demonstrations. I expected better. In fact, I was excited when told that Coulter had written a letter. I expected her to throw down the intellectual gauntlet and open up sensible debate on a controversial issue. After all, it is Coulter's Federalists who have recently sponsored a series of discussions on controversial issues by professors of different political stripes. However, it became clear after the first sentence in her letter — in which she branded her opponents as no less than practicing communists — that Coulter had kept the gauntlets on in order to hurl a rotten egg at the "Gang of Six."

Coulter's glib ad hominem attacks are both surprising and disappointing. It is surprising that the tactic of calling those with whom we disagree "communists" has survived the McCarthy era, Evan Mecham notwithstanding. It is disappointing that the president of the Federalists, which has admirably worked to present its views both intelligently and gracefully, has tarnished that group's image with such an unthinking and vicious attack.

This was particularly unfortunate in the instant case. In the core of the verbal slushball hurled by Coulter, we find a nugget of an honest argument. In particular, she suggested that the "Gang of Six" may have been disingenuous in praising Bollinger for his restraint, rather than in praising him for coinciding with its political views. Intellectual dishonesty is a serious charge in an institution of higher learning and should be addressed.

However, by covering this charge with verbal barbs, Coulter is almost sure to foreclose any meaningful discussion

of it. Ad hominem attacks sting, and the impulse for vengeance is strong. Indeed one wonders why Coulter chose the rhetorical strategy that she did. A cynic might argue that her willingness to brand students as evil Maoists with such gleeful abandon suggests a certain degree of disingenuousness on her own part. One could claim that the president of the Federalists is more interested in diatribes than discussion, in pejoratives than persuasion.

I decline to accept that cynical view. Instead, I consider it to be an irrational outburst that unfortunately appeared in print. Coulter could learn a lesson from her fellow Republican, Evan Mecham. Ad hominem attacks on opponents, whether they be Mecham's "disgruntled dissidents and homosexuals" or Coulter's "Gang of Six" are rarely persuasive and frequently counterproductive. In a liberal law school such as Michigan, the Federalists deserve a thoughtful leader, not an enfant terrible.

Julio Thompson

To the Editor:

Issue: What did Ann Coulter wish to communicate in her letter to the editor last week (March 30)?

- a. She knows how to use a thesaurus (though she admits by her awkward use of many words that she still needs some practice).
- b. She is William Buckley's ghost writer (perhaps, but don't worry Will, this installment was intended to keep that secret well hidden).
- c. As an article editor for *Law Review* she writes prose that baffles some of the most respected minds of the Law School (congratulations Ann, not many people are so talented in the art of obfuscating).
- d. She ardently defends the C.I.A. because she herself is a secret agent (after all, did anyone see Ann around Room 200 this past fall?).
- e. Everyone left of Attila the Hun is a left-wing pinko liberal that deserves to die (not clear, but if one reads between the lines).
- f. All of the above.

Perhaps next week Ann could provide the law-school community and simpletons like myself a translation of her oh-so-humble prose.

Jay Soled

The Honorable Douglas W. Hillman, U. S. District Court, Western District of Michigan, will be at the Law School on Thursday, April 7 to interview 2nd year students interested in clerking for him beginning in 1989. If interested, please stop by the Placement Office as soon as possible.

The Hispanic Law Students Association, the International Law Society and the National Lawyers Guild present "Problems and Solutions in Central America: The Arias Plan," Saturday, April 9, 1988 from 12:30 to 5 p.m. in Room 116. The conference will consist of two panel discussions: "Perspectives on Strife in Central America" and "Perspectives on the Central America Peace Agreement". There is no admission charge.

The Campbell Moot Court Competition Final Arguments will take place Monday, April 11 at 2 p.m. in Room 100.

If any student organization or member of the student body has an issue they would like the Law School Student Senate to address there are a few new procedures to follow:

1. Present the issue at the Executive board meeting so that it may be placed on the agenda for the next Senate meeting (The Executive Board meets every Thursday night at 6:30 p.m. in the LSSS office); or
 2. Draft a letter or proposal to the Senate which states the issue you want addressed and either give it to a Senator or place it in the LSSS mailbox (located on the third floor of HH) by 6:30 p.m. Thursday in order for it to be placed on the agenda for the next LSSS meeting; or
 3. Talk to any LSSS Senator and have them present the issue for you at the Executive Board meeting.
- If there is an unforeseen situation that needs immediate

Notices

attention the above procedures will be waived and the student or organization may present the issue before the Senate without notice.

The ACLU is sponsoring a panel discussion on "The Regulation of Racist Speech and the First Amendment" tomorrow at 5 p.m. in Rm. 100, HH. Panelists will include Dean Bollinger, Professor Sallyann Payton, Barbara Ransby of UCAR and Howard Simon of the ACLU.

The annual Crease Ball will be held Friday, April 15th. The Ball, a semi-formal affair, costs \$31 per couple. That pittance of a price includes live music by the Oriental Spas, hors d'oeuvres and an open bar. Single tickets are also available. Tickets will be on sale April 11 - 15, 10:00 a.m. - 2:00 p.m. The Ball will start at 8:30 p.m. and will last until approximately 1:00 a.m. All law students and their guests are welcome. The Union has promised to be armed with more alcohol and bartenders this year.

The Law School Student Senate is looking for someone to serve as a student body representative over the summer. Duties include being available to answer questions that students may have (primarily summer starters) and forwarding information when necessary. Benefits include an office to work in during the summer and the opportunity to meet a lot of confused but interesting students. Any student can serve as the liaison (Third years... the LSSS office is a great place to study for the bar!). If you are interested contact Danielle Carr by pendaflex, LSSS mailbox or phone (764-8998).

The University of Michigan Men's Glee Club will present its annual Spring Concert in Hill Auditorium at 8:00 p.m. on Saturday, April 9, 1988. Tickets (\$2 - \$7) are available from 2L Larry Hafetz and 3L Peter Knoll, or at the Hill Auditorium Box Office, 8 - 5 daily.

The Michigan Law Review seeks to hire three clerks to work over the summer. Duties will include checking citations for accuracy and form, proofreading, and administrative tasks. Positions are available for the entire summer and a 40 hour work week is envisioned. These positions will pay \$6.00 per hour.

Applicants will be asked to complete a three hour cite checking test and an interview. If hired, they will be compensated for the time spent completing the test. Applications are now available and should be returned as soon as possible, but no later than Thursday, April 21. For additional information, please contact Steve Englund at 747-4073 (office) or 764-9017 (home)

BASEBALL CARDS FOR SALE:

1988 Topps and Score baseball cards on sale for very reasonable prices. Full sets, teams sets and individual players are available. Call Paul at 763-0333 for more information or if you have any questions. No reasonable offer refused. Cards in mint condition.

Also am willing to buy older cards (anything before 1980) that is in excellent condition or better. Fair prices offered - better than dealer! Specifically interested in Topps. Please, no Fleer or Donruss sets. Also interested in World Series Cards, cartoon type, designed by R.G. Laughlin in the early 1970s.

Katz: Man In Demand When Kennedy Got Call

By Vince Hess

Leo Katz, assistant professor of law, brings a varied perspective to his Criminal Law and Enterprise Organization classes this year. Before joining the faculty last fall, Katz earned bachelor's and master's degrees in economics and a law degree from The University of Chicago, clerked for then-Judge Anthony Kennedy on the Ninth Circuit and worked as a corporate-law practitioner and as an author of books about law. In addition, Katz was born in Vienna and grew up in Berlin, and moved with his family to the United States as a teenager.

Katz's experience as a clerk for Kennedy led to phone calls from reporters last semester when Kennedy was nominated for the U.S. Supreme Court. Katz clerked for Kennedy in 1982-83. "When I was applying for the Ninth Circuit, I was told he [Kennedy] was one of the luminaries and it would be good to apply to him," Katz said. However, Katz added, he was not aware that Kennedy, along with some other judges, was rumored to be a potential Supreme Court justice until after he had applied to Kennedy.

Katz said that Kennedy's clerks had a "warm" relationship with the judge. Kennedy had lunch with his clerks several times a week. Moreover, "his communication with the clerks didn't tend to be in writing." Instead of requiring bench memos from clerks, Kennedy preferred to discuss cases in person with them. Kennedy as a person was "a very widely read man, very erudite." Kennedy read books about law and literature, and would talk with clerks about books he was reading, Katz said.

But Katz said he had only "a vague no-

tion" of what Kennedy would be like as a justice. "He's someone not committed to any particular ideology, though he has a conservative disposition." Kennedy also tends to adhere to precedent, Katz said. Even this reveals little, Katz said, because if judges' decisions could more easily be predicted on these grounds, many more cases would be settled and fewer litigated.

As for how Kennedy might vote in cases concerning the *Roe v. Wade* abortion decision, Katz said, "I have no clue." In fact, the case did not come up once in any discussion involving Katz and Kennedy during Katz's clerkship, Katz said.

Katz has now entered academia "mostly because I thought it would be enormous fun." Katz compared teaching to writing, except that teaching is in person and so allows quicker feedback than book reviews. Katz considered teaching at one of several schools, and was "seduced" by the Law School when he visited here.

Although his training is in economics, Katz is now focusing on the application of social science, especially philosophy and cognitive psychology, to law. "There's a goodly number of arguments in criminal law that, if you recast them, look like arguments in economics, and, if you recast them once more, look like arguments in moral philosophy," he said.

"Many of the problems and puzzles of law prove not to be problems and puzzles of law," Katz said, but instead are matters that also arise in other disciplines. For example, he said, the ideas of acts and omissions and direct and indirect cause are difficult to dis-

tinguish, but the reason for the difficulty is not restricted to law. The difficulty stems from the ambiguity of counterfactual questions: what would have happened, as opposed to what did happen. Thus, to resolve these ambiguities Katz turns to the tools used by philosophers of language. If this approach fails to resolve the ambiguities, Katz said, the problem is "inherently insoluble."

This philosophical approach seems readily applicable to tort law. Moreover, it applies also to criminal law. "The criminal law is more interested in its own conceptual apparatus than tort law," he said, giving as an example the distinction that exists in criminal law between intentionally and knowingly. "When we blame someone, as opposed to holding someone liable for money, we get much more concerned about these distinctions." Thus, Katz chose to teach criminal law instead of torts, because criminal law lets him better pursue these distinctions.

Katz said that his lack of experience in criminal law did not put him at a disadvantage in teaching Criminal Law, because at a school such as UM, most students are not expected to practice in the criminal law field. Instead, the first-year course uses "extremely basic concepts" and students "study them with great care." The conceptual task of the course is to teach students "how certain legal ideas work and how to deal with them."

Corporate law, however, is a field in which many UM students probably will practice, and Katz can bring to his Enterprise Organization class his experience as a corporate law practitioner at the Chicago law firm of Mayer, Brown & Platt.

One practical perspective that Katz brings is knowledge of the practical impact of a landmark case such as *Smith v. Van Gorkum*. He saw the effect that the decision had on an attorney's advice to a corporate board. Such an impact, he said, is not as apparent in just reading the case.

Another practical perspective that Katz possesses is an appreciation for the ingenuity of defensive techniques in takeover battles. "You're much more appreciative of the ingenuity of them" if you had to try to think of them yourself, he said.

Finally, Katz also can point out to students the "litigation debris" of corporate cases, such as the details of corporate operations or why a particular transaction was done.

Katz's perspective on criminal law was recently published in a book, *Bad Acts and Guilty Minds: Conundrums of the Criminal Law*, that received a favorable review in the *New York Times Sunday Magazine*. In addition, his views on corporate law are being put into a book to be titled *The Law of the Boardroom*.

Next year Katz again will teach Criminal Law and Enterprise Organization, and also will teach a seminar on the philosophical dimension of such legal concepts as the meaning of relevance and materiality.

Katz said that one aspect of legal practice he misses is the salary. He added, however, "I liked practice a lot, and although I'm sure that in the future there are [other] things that I will miss, at this point I consider this [teaching] an unmitigated blessing."

It's a Whole New Editorial Staff and Format at JIL

continued from page ONE

In the future, each issue will deal with several topics.

Though the policy has not been finalized, gaining admittance to the *Journal* is similar to the *Journal of Law Reform*. Applicants can turn in their open brief or the closed note used by the *Law Review* at the end of the year. One can submit both and the *Journal* will consider the best entry. Also, prospective *Journal* members must fill out an application. In addition to writing, the *Journal* takes into consideration interest in international law, work experience, cultural diversity and background. The *Journal* is still in the process of incorporating an affirmative action program.

Executive Note Editor Mary J. Houle pointed out that the *Journal* will be expanding the role for the junior staff. "In addition to cite checking and working on your note, junior staffers will have a chance to assist in editing articles," Houle said. Staffers usually put in about 2-3 hours cite checking and

a variable amount of time working on their note. Notes are written in the second year and edited for publication in the third year.

Managing Editor Bruce G. Tuchman noted that the *Journal* has received a great deal of support from the Law School as it makes its change. Tuchman stated that Professors Weiler, Jackson and Irish have been excellent resources and new funding for the *Journal* makes next year appear very exciting. "The resources at this law school are excellent," Tuchman said. "I know that there are a lot of people with an interest in international law and the *Journal* presents them with a great opportunity to learn a great deal about a specific area of international law." Brusstar echoed this point by stating that a note is good way to explore the law outside of the classroom.

As Tuchman and Brusstar noted, writing for the *Journal* can assist in getting jobs in international law. While develop-



Brusstar



Tuchman

ing a note will probably not be the critical factor in obtaining a placement in this field, it allows the student to better understand the area. In addition, firms are often interested in what the student has written and his insights.

Lack of Shirts Sore Spot at LSSS

continued from page ONE

to Dean Sue Eklund, urging that the orientation leaders be presented with shirts. A motion to draft such a letter passed unanimously and will be presented for Senate approval next Monday.

The Senate also voted to send a letter to the National Lawyer's Guild student organization, concerning funding allocations requested by the group before spring break and for the Arias Plan Conference.

Before Spring Break, several student groups, including the NLG, requested additional LSSS funds for various events which were to occur during or immediately after

spring vacation. In order to facilitate the groups' demands, the LSSS held one two and a half hour meeting and an additional emergency meeting. All student organizations are funded through "line-item budgeting", which allows control by the LSSS over funds in order to assure meritorious programs are being sponsored and funded.

At these meetings, the Senate authorized discretionary powers which allowed the NLG to transfer money budgeted to other events to NLG representatives who wished to poll-watch during Super Tuesday Caucuses in various southern states.

Last Monday, Treasurer Sandy Perl pre-

sented motions by the NLG requesting that \$50 shifted to a 'Super Tuesday' line item be shifted a second time to the spring conference on the Arias Plan. Although the Senate had approved of three shifts also proposed by the NLG (\$67.60 from the 'Bork Post Card' line, \$100 from Employment Benefits Clinic line, and \$2.96 from the Bork Panel Discussion line), it balked on this shift. Newly elected 3L representative Jon Sobel proposed that the Senate should shift the funds because the program sounded worthy, but that a letter should be drafted and sent to the NLG, criticizing their carelessness. The Senate con-

curred by unanimously passing Sobel's motion.

Secretary Chris Adams also announced that, due to the low sales of the LSSS law school student directories, the directories would be distributed for free to all takers. 3L students will be given the directories later this week in their penda flexes, and sorry, no refunds. Directories were being sold for one dollar, and Adams attributed the low sales to the lateness of their publication.

Treasurer Perl also reported that the Senate currently has \$86 in its contingency fund.

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Uncle Charlie's Corner

Hello, Sports Fans! Welcome to another edition of the RG's version of trivia with a curve. As always, we are interested in your questions and encourage you to supply your favorite stumpers. All submissions will be credited in this column. Here again is the rating chart:

- 5 points Hall of Famer
- 4 points All Star
- 3 points Team Stopper
- 2 points Valuable Platoon Player
- 1 point Clutch Pinch-hitter
- no score Need more minor league experience

We hope you enjoy this edition of Uncle Charlie's Corner. Play Ball!

QUESTIONS

- 1. True or False: Babe Ruth never won a batting title?
- 2. Four teams are celebrating their 20th anniversaries this year. Name them.
- 3. Who led the NL in ERA last year?
- 4. Three men entered the 30-30 club. Who are they?
- 5. What city is currently trying to woo the Chicago White Sox to move to their town?

ANSWERS

- 1. False
- 2. The San Diego Padres, the Montreal Expos, the Milwaukee Brewers and the Kansas City Royals.
- 3. Nolan Ryan
- 4. Joe Carter of Cleveland, Darryl Strawberry of the Mets and Eric Davis of Cincinnati.
- 5. St. Petersburg, Florida.

Morton and Berrego claim prizes in RG Tournament

Continued from page TWELVE
Special note should be made of 1L Matt Anderson's entry. A graduate of KU, Anderson had his alma mater losing to N.C. State in the second round. Although the Oklahoma victory over Arizona gave Anderson a final

total of 95, he could have grabbed all the glory if only he had followed his heart, and not his intellect. So much for level-headed thinking!!

Thanks to all those 260 who entered the contest. We hope you all enjoyed playing it as much as we did in presenting it.

They Came, They Predicted, They Conquered

Here are the winners and close runners-up in the NCAA contest:

Mark Morton	105 Points
Fernando Berrego	102 Points
Cathy Cimpl	101 Points
Tracy Daw	"
Jaime Kimmel	"
Mark Wood	"
John Phillips	100 Points
Dan Sheridan	96 Points
Susan Thomas	"
Matt Anderson	95 Points
Lois Wagman	94 Points
Joe Bermudez	"

Jackson Should Not Be Nominated

Continued from page TWO

running for President. But Jesse Jackson just doesn't fit the bill, and no amount of wishful thinking can fit a square peg into a round hole. Even The New Republic, America's preeminent voice of establishment liberalism, crucified Jackson in an editorial succinctly entitled "Bad."

It's disturbingly comical to see the unthinking, reflexive enthusiasm for Jackson among blacks and white liberals. For many blacks, crude though this may seem, Jackson's color is wholly determinative of his appeal. Judging from the blind acceptance of Jackson among many blacks, I imagine any black candidate would do.

For painless white liberals—a coinage of mine describing, for example, earnest summer-associates-to-be who proudly sport their

Jackson buttons, as if it meant the slightest bit of sacrifice—Jackson is a game, a serious joke against the establishment. It's unfair to him, and it's self-satisfying for them.

Now don't get me wrong. If, by some freak of mass misjudgment, Jackson wins the nomination, I'll support him like mad, because anything is better than a spineless, whiny, flip-flopping, cheerleading, mealy-mouthed moronic excuse for a Vice President. But for the sake of American liberalism, I sure hope such a Hobson's choice never materializes.

Listening to Jackson in Crisler a couple weeks ago, I was struck by the incongruity between Jackson's vacuous platitudes and the crowd's Nuremberg-level enthusiasm. It's a sorry state of affairs when people must reach so low to feel good about themselves.

Grand Prix: A REAL Trip

Continued from page TEN

spot across the street - not an easy feat on GP days! Luck is always shining over my shoulder, I'll tell you!

As we cruised on into the lot, a nice man ran next to the car pointing out our parking spot. Karl turned in and Bam! His beloved Love Bug was now a dented beloved Love Bug impaled on a fence post.

Karl did the only sensible thing. At least \$100 in tickets and a crashed car later, he reparked the car and cried "Let's go, we don't want to miss anything!" Karl is the quintessential sports fan. He knows, as I do, that sports are to be felt. I felt immensely guilty, but off we went. By the time we got in the gate the practice had started. We were both glad to have made it, though, because qualifying was a real burner.

As we were walking back to the dented Love Bug, Karl suddenly fell. "Oh my ankle! I've broken my ankle," he cried. My brain split in two and my eyeballs popped out. Karl stood up and laughed his head off. Apparently, he had heard about Andy and just couldn't resist putting me into cardiac arrest. Cute.

1987 was a banner year. All three days nothing happened to me. I was also able to make it to the British GP. I slept on the ground, didn't have a shower for 4 days and had to boil my contacts in a pot of hot water. It was great!

This year I'm going to the Montreal GP and, of course, Detroit. I'm looking for somebody to share the excitement. Any takers?

Campbell Competition Finals

Continued from page ONE

will be presenting the oral argument for their team, in an effort to become one of the two winning teams.

This year's topic is a timely one. As Moot Court Board Co-Chair Maria Oxholm stated, the competitors will discuss "the right to privacy—whether or not a contract for surrogate motherhood violates a right to privacy and whether financial issues should be the deciding factor in which parent should have custody...it's an equal protection issue."

As in the past, several noted judges and selected faculty will perform the duty of hearing the presentations and choosing the winners. Judge Cornelia G. Kennedy of the Sixth Circuit will preside as Chief Justice of the court. Also present will be Judge Betty B. Fletcher of the Ninth Circuit, Judge Marvin E. Frankel who is currently a partner of Kramer, Levin, Nessen, Kamin and Frankel, Law School Dean Lee Bollinger and Professor David Chambers who is a teacher of family law here at Michigan. A reception and banquet for invited guests, which include many other Michigan faculty and dignitaries will be held following the competitions.

CROSSWORD PUZZLE ANSWERS

I	O	W	A		S	P	E	E	D	R	A	C	E	R	
I	R	O	N	C	I	T	Y		R	U	D	E	B	O	Y
I	C	J		S	M	E	E		A	T	D	A	W	N	
I	H	O	P		O	R	B	I	T	A	L		H		A
	I		H	O	N	O	R	E		B	E	R	I	N	G
E	D	S	E	L			O			E	D	I	T	O	R
			A	N	D	R	E	W	S		G		D	E	V
			M	O	S	E	S		A	H	A	N	D		E
S				M	T	O	N	O	N	E		J	L	E	N
E	R	A	S	E			E	N	E	M	Y		E	L	A
L	O	M		R	C		E			P	E	A	R	L	Y
F	N				U	N	I	T		L	R		E	S	
H			A	C	R	E	S			A	L	B	E	R	T
E	Y	E	B	A	L	L				R	O	S	E	B	U
L	E	G	O	S			L	E	P	E	W		L	E	N
P	O	G	U	E	S			M	O	S	S		S	E	T

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Grand Prix Fever: Watch Out If You Catch It!

By Pam Heatlie

Formula One (F1) is my favorite sport. Most of you probably never heard of it, or care about it, but that's beside the point. In a nutshell, it's the world's foremost autoracing sport.

My friend Andy didn't know beans about F1, but I somehow convinced him to go to the Detroit Grand Prix (GP) with me in 1984. I taught him how to pronounce the driver and team names, the team colors, the engine/chassis proclivities, driving styles, and a few basic rules. Come race day, Andy was imbued with enthusiasm as he ran around the house saying "Vroom, vroom." Yippie skippy!

We got to the track just as the early practice session was beginning and made our way to the grandstands. They were of a very awkward construction-the steps were just planks of wood. Unfortunately, Andy was pushed and his leg fell in between two of them. What happened next is too gross to explain without making you toss your Twinkies. Suffice it to say that skin was the only thing keeping Andy's leg from falling right off. After an unbelievable amount of time, he was taken to the nearest hospital: Detroit Receiving.

Andy was in excruciating pain and he kept moaning "Pam, don't let them take me to Detroit Receiving. Don't let them take me to Detroit Receiving!" The medical team explained that this was the procedure they had should any of the drivers be injured, so this was what Andy was getting, too. Upon arriving, I could see why Andy didn't want to be taken to this hospital. In the beds on each side of him were two bloody, gunshot men scream-

ing at each other. Worse, they were handcuffed to their beds.

This Grand Prix ended with Andy spending 6 weeks in traction at Beaumont Hospital. I went off to Poland. I didn't want to go, but he insisted. We had both won scholarships to study there and had planned to spend a few weeks in France first. In a grand gesture, Andy gave me his ticket. However, I couldn't get anybody to go with me. That's just as well, since I became Paris' major pickpocket target.

When the 1985 GP rolled around, Andy opted to rearrange his sock drawer. I managed to con my friend Cathy into going instead. All it took was a free ticket, a date with Greg Halstrom and a year of free tutoring in French. I gave Cathy a crash course in F1 and she was primed to become a fan.

Just my luck: our seats were next to a macho man: *You know the type*. He felt compelled to tell us all about the sport, but as no surprise, he was wrong most of the time and he kept burping in Cathy's face.

Here's an example of the F1 stud's wisdom: "Now girls, do you see those white things that go flying off of the tires as the drivers put the hammer down? This is a very technical sport. Those are a series of intricate weights that balance the tire. They are timed to fall off at certain intervals. When the last one falls off, the driver has to come in for new tires. Do you understand that?"

I couldn't take it anymore: I turned and laughed right in his face. I explained that the tires are tagged and marked so that the mechanics and technicians can quickly tell whether a tire is for qualifying/racing, what compound it is (neither of which is a worry

now that there are no qualies and Goodyear has a monopoly) and which wheel it goes on. Some of the markings are done with white pieces of paper. It's no problem to mark them this way, since the tags come off soon after the car accelerates. So much for intricate weights.

I guess this man decided to teach me to attack his knowledge of the ultimate macho sport: he puked all over the place. Cathy said that she was forsaking F1 for the rest of her life and, by golly, she did.

1986 rolled around and I was in law school. What kind of law student would want to go to the race with me? As it turned out, none. Enter Karl. Karl is a Medievalist who loves autoracing. He also happened to be spending the summer at Phid House. Not only was he easy to wear down, but I got him to drive to the race!

I should explain that Karl is originally from Wisconsin. Do you know that in the Cheese State they only have to renew their license plates every three years? I didn't. Do you know that Michigan plates have to be renewed every year? Karl didn't.

Enter Helga, the police woman from beyond. While Karl's Love Bug was stopped innocently at a red light, Helga descended from out of the blue and ordered us to pull over. We weren't doing anything wrong, so I thought she was going to tell us to have a nice day. Erroneous assumption.

Helga told Karl that his license plates were expired. Bam! Ticket #1. Karl tried to explain that he didn't realize they had to be renewed every year, because he was from Wisconsin. It was quite funny the way he was

saying it, like it was some excusable sort of mental handicap. At all other times, Wisconsin is home of the greatest people, sports bars, pizza and beer. Helga said that it didn't matter, he could explain it to the judge.

To write up the ticket, Helga needed to see Karl's proof of insurance, license, and registration. Ut-oh, expired plates mean expired registration. Bam! Ticket #2. Same old excuses, same old result. "You'll just have to explain this to the judge sir. After all, you have committed a Misty Meaner."

"What's that noise?" Helga the Horrible asked. "Is that your muffler?" Bam! Ticket #3. Karl tried to explain that all VW Bug sound that way. Actually, they do, but Helga, close friend of the D.C. cab dispatcher, didn't buy it. "Young man, you had better get you act together or stay out of Detroit," was her very comforting response.

Now you see, Detroit is such a crime-free city that Helga's greatest worry is keeping noisy cars off the streets. It's a well-known fact that noise drives people to steal, murder and a criminal life in general. A quiet Detroit is a safe Detroit. That is why Detroit has Grand Prix-the only sport quieter than car racing.

Not only did Helga treat us like undesirables, she took her time doing so. It was pretty easy to tell we were in town for the practice and qualifying, so she made sure that she made us late. I normally don't think poorly of our men and women in blue, but Helga was @#%*&! and she knew it.

35 minutes later we escaped Helga's claws. In the meantime, I had found a parking spot. See Grand Prix page Six

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Morton Rides Jayhawks to Victory in RG Tournament

Exclusive to the Res Gestae
2L Mark Morton has displayed courage and great foresight in winning the 1988 RG NCAA Basketball Tournament Contest. Morton was the only entrant of 260 to select Kansas as the National Champion. For his brilliance, Mark wins the first prize, \$30 in food at the restaurant of our choice. Morton finishes the contest with 105 points, gaining 25 from Kansas in the final two games to go

with his second week total of 80 points.

Second prize goes to Fernando Berrego. Fernando shared the lead after the second week, and his choice of Oklahoma to beat Arizona gave him the 10 points he needed to hold back four on-rushing challengers. It looked bleak for Berrego when co-leader Brent Taggart had the highly-regarded Arizona Wildcats to win it all, but Berrego's intuition held true and he claims the \$15 second prize,

again at the restaurant of our choice. Fernando finished with 102 points.

Close behind the winners were four strong entries. 1L Tracy Daw, 2L Jaime Kimmel, 3L Cathy Cimpl and Mark Wood all tallied 101 points, adding 10 for the Sooners final four win. A victory by Duke could have propelled Daw and Kimmel to the forefront, but it was not to be. 2L John Phillips also finished in triple digits logging 100 points.

CROSSWORD PUZZLE

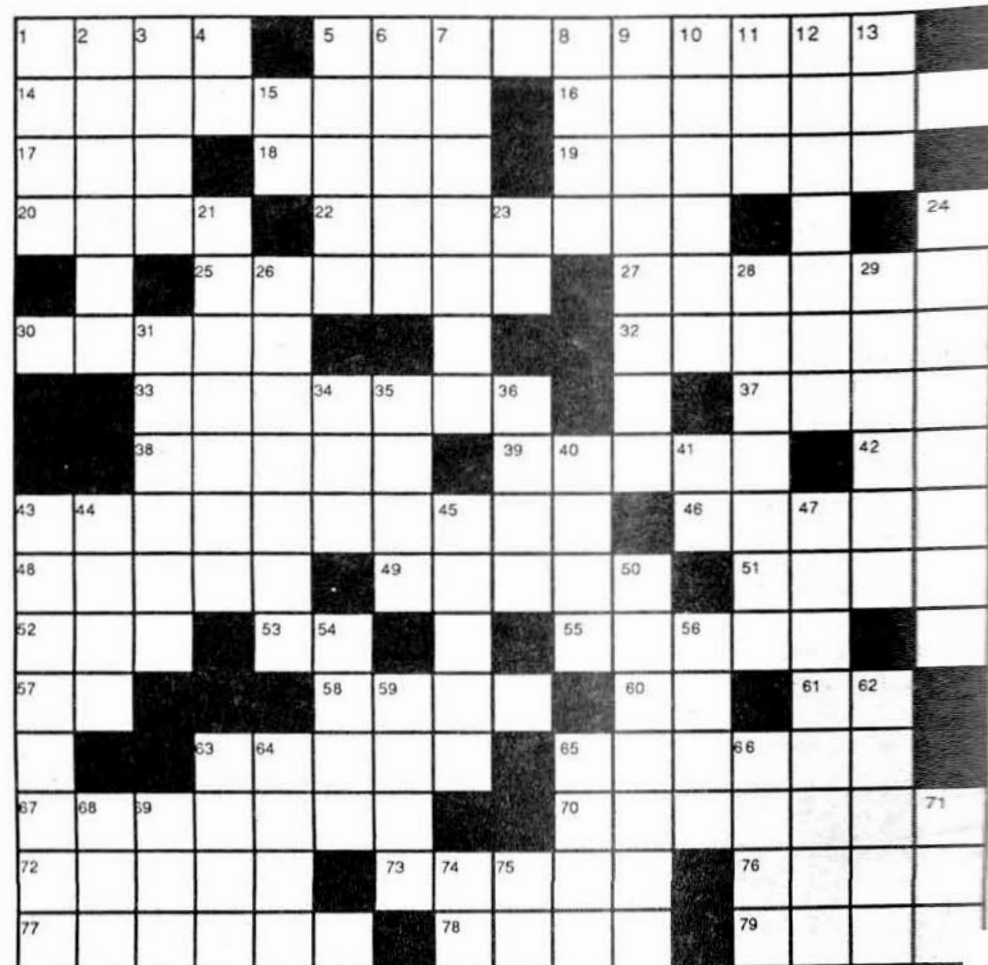
ACROSS

1. Hawkeye state
5. He's a demon on wheels
14. Pittsburgh brew
16. Jamaican gang member
17. Int'l Ct. of Justice
18. Cap't Hook henchman
19. "Pistols _____": Gauntlet-throwing exclamation
20. Where the justices of 17 Across get their flapjacks
22. Electron domain
25. Balzac, to his pals
26. North Pacific Strait
30. Famous lemon
32. Ben Bradlee, Perry White, Reid Rozen, or J. Jonah Jameson
33. D.C. Air Force Base
37. Are they not men?
38. Grandma or Holy
39. If Learned helped Brevard applaud, each would be this
42. Initials of Marilu Henner cabbie
43. Chances of Gary Hart getting elected dogcatcher, anywhere, ever
46. Dorito shill, J. Carson sub, frequent D. Letterman guest
48. Rub out
49. Foe
51. Western character actor Jack _____
52. Sellers foil
53. Also-ran cola drink
55. Bailey, Buck, or Prynne love child
57. Footnote (abbr.)
58. Standard of measurement
60. Lone Ranger hanky monogram
61. Extra strgth.
63. Green place to be
65. Fat, Uncle, or Prince
67. Ophthalmologists' fancy dress shindig?

70. Charles Kane's famous last word
72. Snap-together plastic brick toys
73. Amorous skunk Pepe
76. From Ash Wednesday to Easter
77. Shane MacGowan & Co., formerly including Mrs. E. Costello
78. Constituent element of Freakies Boss
79. TVs

DOWN

1. Psychokiller Qu'est-ce que c'est Fafafafa fafafafa fafa Ohhohoho _____
2. Favored flower of Nero Wolfe and Brenda Starr's mystery man Basil
3. Max Gail role
4. All night (abbr.)
5. Underdog foe _____ Bar Sinister
6. Variety of dactyl
7. Most of have two; Dukakis one; Gephardt none
8. Mild oath
9. Misspelled yellow turnip
10. Confused
11. Council of Econ. Advisors
12. Charlotte's Web author
13. Mediocre B-movie actor Reagan
15. Narnia author Lewis
21. Bright young stars
23. That is
24. Branch of agriculture dealing with field-crop production and soil management
26. Senior citizen
28. Role for Gorshin and Astin
29. Nine day's devotion
31. Green eggs proponent
34. Speed wagon
35. Domestic slave
36. Not crazy, or Alladin
40. Fiber



41. Garden St.
43. Legal euphemism for vigilantism
44. Dianetician Hubbard
45. _____ the loneliest number
47. Former Overnight correspondent
50. Gold, lemon, saffron, primrose
54. Hair ringlet or arm weight maneuver
56. Radio ratings
59. Dudley Doright love interest
62. Day's work for the Fall Guy
63. Nidal's first name in French
64. Brief, head, or upper
65. War god
66. Morays
68. Greeting for a trustworthy lieutenant
69. Beater, head, nog, plant, or roll
71. Hangover shakes
74. Dorothy's Auntie
75. Caine's Shao-lin master

Law in the Raw

By Colin Zick, Eric Luoma and Joe Kellmeyer

More good news from the Administration that told you ketchup was a vegetable...

Rejoice, couch potatoes. At last you can watch your favorite programs without feeling inferior to those who have their idiot boxes tuned to PBS. The source of this good news? The FCC. For on January 20, the FCC, in its infinite wisdom, ruled that "Entertainment Tonight" is a "newscast", right up there with the "McNeil-Lehrer Newshour". "It's a newscast about a specific segment of public life, and the relevant legislation demands that we recognize it as such," an FCC minion declared.

What, pray tell, could the counsel for "Entertainment Tonight" possibly have done to convince the FCC? Why, they showed "ET"'s coverage of the sentencing of Sean Penn, a report by Geraldo Rivera on the "Heavy Metal Music Controversy", and feature stories on Tom Petty, and Madge of Palmolive fame. But they also had an ace in the hole, the testimony of Walter Cronkite, who called "ET", "One of the best news shows on the air today." (Does this mean that the RG is a "newspaper"?)

Legal Times, March 31, 1988

And you thought Ed Meese was angry about Miranda...

Traffic was interrupted for two days along Greece's main highway recently, as more than 10,000 fans blocked the artery to protest the decision of a judge. It seems the protest began when the judge penalized a local soccer team four points in the standings, after the team's Bulgarian striker tested positive for codeine and was banned for two years. A police spokesman said clean-up crews removed cement slabs and burned-out tires from the highway after the protestors departed.

New York Times, March 14, 1988

"Stiff Questioning" or "How to question a witness"

Q: Directing your attention to the 6th of November, 1976, in the evening hours, do you recall being at Rose Chapel in Paradise?

A: Yes.

Q: Do you recall examining a person by the name of

[John Doe] at the funeral chapel?

A: Yes.

Q: This is Plaintiff's exhibit 8 for identification in this proceeding. I would ask you to take a look at it please. Do you recognize the person in Plaintiff's exhibit 8?

A: Yes.

Q: And who is that?

A: It is [Mr. Doe].

Q: Do you recall approximately the time that you examined the body of [Mr. Doe] at the Rose Chapel?

A: It was in the evening. The autopsy started at about 8:30 p.m.

Q: And [Mr. Doe] was dead at that time, is that correct?

A: No, you dumb asshole. He was sitting on the table wondering why I was doing an autopsy.

Courtesy of Prof. Westen